

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

STEVEN M. HUFFER,

Plaintiff,

Case No. 23-cv-1516-pp

v.

CARMEN KOSICEK, MAY HUFFER,
KATHY J. ERICKSON, CARLOS RODRIGUEZ,
ALISSA MARTITEZ and JOHN DOES,

Defendants.

**ORDER DISMISSING CASE FOR PLAINTIFF’S FAILURE TO PAY FILING
FEE AND FAILURE TO COMPLY WITH COURT ORDER**

On November 13, 2023, the plaintiff—who is representing himself—filed a complaint, dkt. no. 1, and a motion for leave to proceed without prepaying the filing fee, dkt. no. 2.

On January 31, 2024, the court issued an order requiring the plaintiff to file an amended motion for leave to proceed without prepaying filing fee because “[t]he plaintiff’s affidavit does not provide enough information for the court to determine whether he can pay the filing fee.” Dkt. No. 5 at 1-2 (citing Lofton v. SP Plus Corp., 578 F. App’x 603, 604 (7th Cir. 2014); Chung v. Dushane, No. 03 C 5955, 2003 WL 22902561, at *2 (N.D. Ill. Dec. 9, 2003)). The court came to this conclusion because the plaintiff had written “various” in several fields that had asked him to provide specific numerical “amount[s]” for his income and expenses. Dkt. Nos. 2 at 2-3, 5 at 2-3. The court ordered the

plaintiff to “file an amended request to proceed without prepaying the filing fee by the end of the day on **February 16, 2024.**” Dkt. No. 5 at 3 (emphasis in original). The court advised the plaintiff that “[i]f [he] does not file an amended request in time for the court to receive it by the end of the day on February 16, 2024, the court will deny his application to proceed without prepaying the filing fee and will require him to pay the full \$405 filing fee by a date certain.”¹ Id.

On March 11, 2024, the court issued an order requiring the plaintiff to pay the full filing fee. Dkt. No. 6. The court observed that “[t]he February 16 deadline has passed and the court has not received an amended request to proceed without prepaying the filing fee.” Id. at 2. The court ordered that “by the end of the day on **April 12, 2024**, the plaintiff must pay the \$402 filing fee.” Id. at 2-3 (citing Jackson v. Foster, Case No. 14-CV-1194, 2015 WL 5918624, at *1 (E.D. Wis. Oct. 9, 2015)) (emphasis in original). The order stated that “[i]f the court does not receive the full filing fee by the end of the day on April 12, 2024, the court will dismiss the case on the following business day without further notice or hearing for failure to pay the required filing fee.” Id. at 3 (citing 28 U.S.C. §1914).

The court mailed both the January 31, 2024 and the March 11, 2024 order to the plaintiff at the address in Aubrey, Texas that he listed in his complaint. The plaintiff has not provided the court with a different address and

¹ On December 1, 2023 the fee for filing a civil case increased from \$402 to \$405. Because the plaintiff filed his complaint on November 13, 2023, his filing fee was \$402 rather than the \$405 the court (mistakenly) referenced in its order. Dkt. No. 5 at 3.

neither order was returned as undeliverable. The court has no reason to believe that the plaintiff did not receive the court's orders.

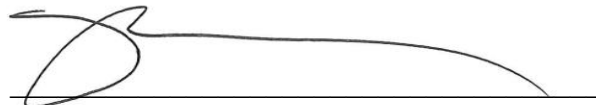
The April 12, 2024 deadline has passed and the court still has not received the plaintiff's filing fee. Because the plaintiff did not pay the filing fee by the deadline the court set and has not complied with the court's March 11, 2024 order, the court will enforce that order and dismiss this case for the plaintiff's failure to pay the filing fee and comply with the court's orders.

The court **ORDERS** that this case is **DISMISSED WITHOUT PREJUDICE**. The clerk will enter judgment accordingly.

The court **DENIES AS MOOT** the plaintiff's motion for leave to proceed without prepaying the filing fee. Dkt. No. 2.

Dated in Milwaukee, Wisconsin this 18th day of April, 2024.

BY THE COURT:

A handwritten signature in black ink, appearing to be 'P. Pepper', written over a horizontal line.

HON. PAMELA PEPPER
Chief United States District Judge